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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,018	12/27/2004	Kjell Lindskog	PAH-103	6826
7590	12/11/2007		EXAMINER	
Mark P Stone 25 Third Street 4th Floor Stamford, CT 06905			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,018

Applicant(s)

LINDSKOG, KJELL

Examiner

Nam V. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed September 24, 2007.

An amendment to the claims 1, 4-10 and 12-20 has been entered and made of record in the application of Lindskog for a "method for opening a transportable container".

Claims 1-20 are now pending in the application.

Response to Arguments

In view of applicant's amendment to amend the claims 10 and 12-20 to obviate the Claim Objections, therefore, examiner has withdrawn the claim objections.

In view of applicant's amendment to amend the claims 1-20 to obviate the 35 U.S.C. §112 rejections, second paragraph, therefore, examiner has withdrawn the 35 U.S.C. §112 rejections, second paragraph. However, Examiner rejects other 35 U.S.C. §112 rejections, second paragraph (see below).

Applicant's arguments with respect to claims 1-20, filed September 24, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the transportion" in line 2. There is insufficient antecedent basis for this limitation in the claim. "the transportion" should be "a transportation".

Claim 1 recites the limitation "the step" in line 12. There is insufficient antecedent basis for this limitation in the claim. "the step" should be "a step".

Claims 4-9 recites the limitation "the steps/step of deactivating the alarm system" in line 2. There is insufficient antecedent basis for this limitation in the claim. "the step..." should be "another step" or "the process further including another step...". Furthermore, "the step of using..." in line 12 of Claim 1 is different than "a step of deactivating the alarm system" in other Claims.

Referring to claims 2-20 are rejected as being dependent upon a rejected Claim 1 above.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(S) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4, 6 and 9-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 9 of copending Application No. 10/502,020 {hereinafter '020'}. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the present invention and '020' are claiming the same subject matter, namely, a process and apparatus for providing security to a transportable container using the combination of two key ID codes to initiate deactivation of an alarm installed in the container and/or opening the container. A portable first key carried by a user supplies the first key code and in combination with the first key code, a second key code is supplied at the destination by a second key installed in the premises, to complete a code-set for initializing opening/deactivation of said container.

In this case, claim 1 of '020' reads on claims 1, 3, 6 and 11 of the present invention. Claim 2 of '020' reads on claim 2 of the present invention. Claim 4 of '020' reads on claim 4 of the present invention. Claim 3 of '020' reads on claim 9 of the present invention. Claim 9 of '020' reads on claims 10 and 12-20 of the present invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schesso (US# 3,654,880) in view of Lacombe et al. (US# 6,430,689).

Referring to claim 1, Schesso discloses a process of opening a briefcase 20 (i.e. a container) for a transportation of currency or valuable papers 31 (i.e. a valuable objects or valuable documents) (column 1 lines 1 to 20; see Figures 1 and 2);

wherein the briefcase 20 (i.e. the container) includes a coder (40) (i.e. a first electronic unit) which functions to allow deactivation of a switch 37 (i.e. an alarm system) and/or opening of the briefcase 20 (i.e. the container); and

said the briefcase 20 (i.e. the container) includes a punch member projectile (29) for destroying the currency 31 contained therein unless said switch 37 is deactivated by a valid code signal (i.e. a full code-set (ABCD)) when opening the briefcase 20 (i.e. the container) (column 1 line 70 to column 2 line 22; see Figure 2);

characterized by the step of using a key lock 38 together with the electronic counter output code signal (i.e. the first key) for simultaneously completing the valid code signal (i.e. the full code-set (ABCD)) required to initiate deactivation of said the switch 38 and/or opening of

the briefcase 20 without destroying the currency 31 within said the briefcase 20 (column 2 lines 60 to 73; see Figure 2).

However, Schesso did not explicitly disclose that wherein a first container-opening key includes a second electronic unit adapted to communicate with the first electronic unit when initiating opening of said the container.

In the same field of endeavor of securely transporting objects in a container, Lacombe et al. teach an encrypted smart card 11 (i.e. a first container-opening key) includes a memory stored an encrypted key K) (i.e. a second electronic unit) adapted to communicate with a smart card reader 9 of a container 1 (i.e. a first electronic unit) when initiating opening of said the container 1 (column 4 lines 12 to 18; column 5 lines 8 to 14; see Figure 2) in order to improve efficient protection against logical and physical aggression.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize replacing the encrypted smart card with a secret code to initiate opening of the container taught by Lacombe et al. with the key type mechanical key lock in opening of a briefcase of Schesso because using a encrypted smart card with a secret key K in combination with the electronic counter output code signal for simultaneously completing the valid code signal required to initiate deactivation of said the switch and opening of the briefcase would avoid potential thief during the transporting of money from a place of business to a bank.

Referring to Claims 2-3 and 11, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Lacombe et al. disclose the container 1 requires encrypted smart card 11 with secret key K and another confidential code secret code 12 at the same time before

permitting access to the container (column 4 line 55 to 67; column 5 lines 29 to 40). Same as disclosed in Schesso, a key lock 38 together with the electronic counter output code signal (i.e. the first key) for simultaneously completing the requirement to opening of the briefcase 20 without destroying the currency 31 within said the briefcase 20 (column 2 lines 60 to 73; see Figure 2). Therefore, the valid code signal contains the code signal (i.e. a subset (CD)) and the encrypted smart card contains secret key K (i.e. subset (AB) of the complete code-set (ABCD) required to initiate deactivation of said the switch and/or opening of the briefcase.

Referring to Claim 4, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Schesso discloses that a key lock 38 together with the electronic counter output code signal (i.e. the first key) for simultaneously completing the requirement at the bank (i.e. in a geographic vicinity) to opening of the briefcase 20 without destroying the currency 31 within said the briefcase 20 (column 2 lines 60 to 73; see Figure 2) and deactivating the switch 36 and/or opening of the briefcase 20 only within a time set (i.e. a predetermined time period) (column 2 lines 60 to 73; see Figure 2).

Claims 5-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schesso (US# 3,654,880) in view of Lacombe et al. (US# 6,430,689) as applied to Claim 1, and in further view of Kniffin et al. (US# 5,705,991).

Referring to Claim 5, Schesso in view of Lacombe et al. disclose the process according to Claim 1, however, Schesso in view of Lacombe et al. did not explicitly disclose that

characterized by the step of transferring from the first key to the second key a subset of the complete code-set when said first key is used together with the second key for the first time, said code subset is thereafter found only in the second key.

In the same field of endeavor of securely transporting objects in a container, Kniffin et al teach that the identification devices at the various delivery stops (i.e. second key) are reprogrammable devices {see Kniffin et al, column 9, lines 18-22+}. That, "programming instructions and authorization data are disseminated manually, such as by keys (i.e. master keys) with programming capabilities" {see Kniffin et al, column 5, lines 8-11}. This implies that master keys (i.e. claimed first key) are used to program other keys in the system of Kniffin et al (These types of keys are discussed in the patents cited in column 6, lines 18-26 of Kniffin et al, wherein one of the patents {Imran} is cited previously) and considered as functionally equivalent to the claimed "the first key transfers to the second key (20) a unique subset (CD) of the complete code-set (ABCD)". Kniffin et al does not explicitly disclose, "the master key (first key) programs other keys (i.e. second key (20)) when used for the first time". The Examiner is taking Official notice that an ID device (i.e. claimed second key) is programmed with an ID code when used for the first time. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include "the master key (first key) programs other keys (i.e. second key (20)) with an ID code when used for the first time" in the system of Kniffin et al because this will ensure that the correct ID code is transmitted by the ID device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transferring or programming the other keys with the master keys in the system of Kniffin et al. with the electronic keys for opening of a briefcase of Schesso in view of

Lacombe et al. because using the master keys to program other keys at the beginning of operating a briefcase would improve convenient for user in programming the other keys in briefcase.

Referring to Claim ⁶~~8~~, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al. disclose the complete code-set (ABCD) required for initiating opening of the container 62 opens dialog-like communication with the electronic unit (2) of the container 62 for allowing opening of the container 62 to be completed, through the medium of code interplay, such as via radio transmissions as shown in Figures 1-4. Also see Kniffin et al, column 3, lines 32-45.

Referring to Claims 7 and 8, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al does not disclose "an attempt to invalidate said stationary installation will result in the destruction of a code subset (CD) contained in the second key (20)" or "damage to a casing (21) containing the stationary second key (20) will result in the destruction of a code subset (CD) contained by the second key (20)", again, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, that if the proximity card of Kniffin et al is damaged or broken, then the circuitry within the card will also be damaged. When the circuitry of the card is damaged, then it will not function accordingly and will not be able to communicate with the access control device 64. As such, damage to the circuitry will also result in the destruction of the code contained by the proximity card.

Referring to Claim 9, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al. discloses stationary second keys are installed in a number of spaces included in the transportation route of transportable containers 62 {see Kniffin et al, column 9, lines 11-22}

Referring to Claims 10 and 12-20, Schesso in view of Lacombe et al. disclose the process according to Claim 1, Schesso in view of Lacombe et al. and Kniffin et al. disclose an arrangement for carrying out the process according to claims 1-4, 9 and 11 except "said electronic unit (22) is encapsulated in a casing (21)". The Examiner is taking Official notice that electronic devices are encapsulated in a casing to protect the circuitry of the electronic device from damage. Therefore, although Schesso in view of Lacombe et al. and Kniffin et al does not disclose "said electronic unit (22) is encapsulated in a casing (21)", it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to encapsulate the proximity card of Schesso in view of Lacombe et al. and Kniffin et al in a casing because the casing will advantageously be utilized to protect the ID device circuitry or proximity card circuitry from damage.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Westcott (US# 4,236,463) discloses a tamper proof case for the protection of sensitive papers.

Gral (US# 6,701,854) discloses a detonator to be installed in a chamber and safety container comprising it.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the

Application/Control Number:
10/502,018
Art Unit: 2612

Page 12

organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
December 5, 2007



BRIAN ZIMMERMAN
SUPERVISORY PATENT EXAMINER